

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
V.)	CRIMINAL NO. DR-24-CR-00186-AM
)	
IGNACIO ANTONIO VALENCIA)	
PATRICIO,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S
MOTION FOR PRELIMINARY ORDER OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney and makes this Motion for Preliminary Order of Forfeiture, pursuant to Title 21 U.S.C. § 853(n)(1)-(7), and FED. R. CRIM. P. 32.2(b)(1) & (2) and (c)(1), and in support thereof states the following:

I.

On June 24, 2024, the Defendant pled guilty pursuant to a written Plea Agreement (ECF No. 23) to an Indictment (ECF No. 7) charging Title 18 U.S.C. § 933 violations. The Indictment also included a Notice of Demand for Forfeiture pursuant to Title 18 U.S.C. §§ 934(a) and 924(d)(1) made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c).

The Defendant consented to the forfeiture demand in the indictment (*see* ECF No.7) and as part of the plea agreed to forfeit all right, title, and interest in the following property:

- 1. Harrington & Richardson, Model: Topper 158, 12-gauge shotgun (S/N: AG218408);**
- 2. Mauser, Model: M98, 7.92-millimeter rifle (S/N: 6849);**
- 3. Mauser, Model: DSM34, .22 caliber rifle (S/N: 3474); and**
- 4. Any related ammunition and firearm accessories,**

hereinafter referred to as the Subject Property.

II.

The United States of America moves the Court to find that the Defendant has an interest in the Subject Property, and that the United States of America has proven by a preponderance of the evidence the nexus between the Subject Property and the Title 18 U.S.C. § 933 violations by virtue of the Defendant's plea and the facts contained therein.

III.

Accordingly, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture which forfeits all right, title, and interest of the Defendant in the Subject Property.

IV.

The United States moves the Court, pursuant to Title 21 U.S.C. § 853(g) and FED. R. CRIM. P. 32.2(b)(3), for an Order authorizing the United States through its lawfully designated agents and agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives, to seize, take custody, control, and possession of the Subject Property, whether held by the Defendant or a third party.

V.

The United States further moves the Court, pursuant to FED. R. CRIM. P. 32.2(b)(6)(A) and (C) and Title 21 U.S.C. § 853(n)(1), for an Order authorizing the United States to cause publication for at least 30 consecutive days on an official government internet website (www.forfeiture.gov) of notice of the Preliminary Order of Forfeiture, and of its intent to dispose of the Subject Property in such manner as the United States directs.

The United States of America further moves this Court for an Order authorizing that the contents of the published notice comply with FED. R. CRIM. P. 32.2(b)(6)(B).

VI.

The United States further moves the Court, pursuant to FED. R. CRIM. P. 32.2(b)(6), for an Order authorizing the United States to send direct notice of the Preliminary Order of Forfeiture to any person or entity who reasonably appears to the United States to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding.

The United States of America further moves this Honorable Court that Appendix A¹ be served on potential petitioners along with the Preliminary Order of Forfeiture.

VII.

Pursuant to FED. R. CRIM. P. 32.2(c)(1)(B) and to promote judicial economy, the United States further moves the Court for an Order authorizing the United States to commence discovery proceedings, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas pursuant to FED. R. CIV. P. 45, at the time that any petitions are filed in order to resolve any third-party issues.

VIII.

Lastly, the United States moves the Court, pursuant to FED. R. CRIM. P. 32.2(b)(4)(B), to order that at the time of the sentencing of the Defendant, the Preliminary Order of Forfeiture becomes final as to the Defendant, be made part of the sentence, and be included in the Judgment

¹Appendix A, which is entitled “Direct Notice of Preliminary Order of Forfeiture,” sets forth the appropriate procedures, deadlines, and applicable statutes necessary to file a third-party petition.

in a Criminal Case.

WHEREFORE, PREMISES CONSIDERED, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture.

Respectfully submitted,

JAIME ESPARZA
United States Attorney

By: /s/
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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2024, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant(s):

Jad P. Harper
jadharper@sbcglobal.net
IGNACIO ANTONIO VALENCIA PATRICIO

/s/
Antonio Franco, Jr.
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

UNITED STATES OF AMERICA,)	
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Plaintiff,)	
V.)	CRIMINAL NO. DR-24-CR-00186-AM
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IGNACIO ANTONIO VALENCIA)	
PATRICIO,)	
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Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

Came on to be considered the United States of America's Motion for Preliminary Order of Forfeiture (ECF No. ____), pursuant to Title 21 U.S.C. § 853(n)(1)-(7), and FED. R. CRIM. P. 32.2(b)(1) & (2) and (c)(1), and this Court being fully and wholly apprised in all its premises, finds that the United States has established by a preponderance of the evidence a nexus between the property described below and the Title 18 U.S.C. § 933 violations, by virtue of the Defendant's plea and the facts contained therein, and that the Defendant has an interest in said property. As such, said Motion is meritorious, and hereby is in all things GRANTED.

IT IS THEREFORE **ORDERED** that all right, title, and interest of the Defendant, in certain property, namely:

- 1. Harrington & Richardson, Model: Topper 158, 12-gauge shotgun (S/N: AG218408);**
- 2. Mauser, Model: M98, 7.92-millimeter rifle (S/N: 6849);**
- 3. Mauser, Model: DSM34, .22 caliber rifle (S/N: 3474); and**
- 4. Any related ammunition and firearm accessories,**

hereinafter referred to as the Subject Property, be, and hereby is **FORFEITED** to the United States of America.

IT IS FURTHER **ORDERED** that upon entry of the Preliminary Order of Forfeiture, the

United States of America, through its lawfully designated agents and agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives, shall seize, take custody, control, and possession of the Subject Property whether held by the Defendant or a third party.

IT IS FURTHER **ORDERED** that the United States shall cause publication for at least 30 consecutive days on an official government internet website (www.forfeiture.gov) of the notice of the Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property in such manner as the United States directs. The United States must send notice to any person or entity who reasonably appears to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding.

IT IS FURTHER **ORDERED** that the United States shall send Direct Notice of the Preliminary Order of Forfeiture, Appendix A, which is attached to the United States of America's Motion for Preliminary Order of Forfeiture and incorporated herein, to those known to the United States to have an interest in the Subject Property.

IT IS FURTHER **ORDERED** that in the event a third-party petition is filed as to the Subject Property, the United States shall commence discovery proceedings, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas pursuant to FED. R. CIV. P. 45, to resolve any third-party issues.

IT IS FURTHER **ORDERED** that at the time of the sentencing of the Defendant, the Preliminary Order of Forfeiture shall become final as to the Defendant, be made part of the sentence, and be included in the Judgment in a Criminal Case.

SIGNED this _____ day of _____, 2024.

ALIA MOSES
CHIEF UNITED STATES DISTRICT JUDGE